

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

JERRY KARWACINSKI,

Plaintiff

V.

**INDIANA DEPARTMENT OF
TRANSPORTATION,**

Defendant

No. 3:06cv0057 AS

MEMORANDUM, OPINION AND ORDER

This court takes judicial notice of the record in this case, and takes up the report and recommendation filed on March 19, 2007 by the United States Magistrate Judge, Christopher A. Nuechterlein. As of this writing, no objections have been filed.

This court, as well as the magistrate judge, are well aware of the obligations regarding pro se litigants. *See McNeil v. United States*, 508 U.S. 106 (1993), *Haines v. Kerner*, 404 U.S. 519 (1972), *Smith v. Fairman*, 862 F.2d 630 (7th Cir. 1988), *cert. denied*, 490 U.S. 1008 (1989), and *Cain v. Lane*, 857 F.2d 1139 (7th Cir. 1988). The issue generally in this proceeding has to do with alleged national origin discrimination. This plaintiff also made a claim for retaliation all under Title VII of the Civil Rights Act of 1964 as amended. 42 U.S.C. §2000e-5(e).

In accord with the Report and Recommendation, the Indiana Department of Transportation's motion is **GRANTED** with regard to this plaintiff's wrongful termination claim, but is **DENIED** with regard to the retaliation claim. Further proceedings will be

necessary with regard to the plaintiff's retaliation claim and such will be scheduled as soon as court's docket permits. **IT IS SO ORDERED.**

DATED: April 10, 2007

S/ ALLEN SHARP

ALLEN SHARP, JUDGE

UNITED STATES DISTRICT COURT

cc: The Honorable Christopher A. Nuechterlein